



Legal Aid of NorthWest Texas

COMMUNITY REVITALIZATION PROJECT
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CRP offices in Amarillo, Dallas, Fort Worth, and Lubbock

April 10, 2023

Via Electronic submission: www14.tceq.texas.gov/epic/eComment/

Ms. Laurie Gharis
Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105
P.O. Box 13087
Austin, TX 78711-3087

Re: Public Comments, Request for Public Meeting and Request for a Contested Case Hearing on Application for Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 171636 authorizing the operation of a concrete batch plant located at 4500 Great Trinity Forest Way, Dallas, Texas 75082.

Dear Ms. Gharis:

On behalf of its client, Joppa Freedmans Town Association (JFTA), Legal Aid of NorthWest Texas (LANWT) submits in the above named and numbered matter the following:

- request for a public meeting,
- request for a contested case hearing, and
- public comments.

JFTA opposes the application of Texas Star Ready Mix (Applicant) for the issuance of Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 171636. The Commission should deny Applicant's registration for the reasons set forth below.

All contact with JFTA and its members regarding this matter should be through its legal counsel:

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I. Requests for Public Meeting

Joppa Freedman's Town Association (JFTA) requests a public meeting. Substantial public interest in this proposed facility exists, and therefore, a public meeting is necessary.

JFTA is a small nonprofit membership organization dedicated to enhancing the livability of its members and others located in the Joppa area. Located in South Dallas and directly north of Applicant's proposed concrete batch plant (CBP), Joppa is a historic freedman's town. It is a low-income, majority African-American community. Founded in 1872 by freed slaves, Joppa is one of Dallas' oldest neighborhoods. The neighborhood is landlocked, with only two roads leading in and out from Interstate 45. Joppa is bordered to the West by the railroad, Highway 310 and I-45, to the north by industry, to the east by the Trinity River, and to the South by Joppa Preserve and McCommas Bluff Landfill.

JFTA has received feedback from its members and the community-at-large about concerns with Applicant's proposed concrete batch plant (CBP). In response to these concerns, JFTA has collected for submittal into the record 13 individual community member requests for a public meeting. (See Attachment 1). Considering the small and enclosed nature of the community and the public comments provided below, JFTA establishes a substantial public interest that warrants a public meeting.

II. Request for a Contested Case Hearing

Joppa Freedman's Town Association (JFTA) requests a contested case hearing on behalf of its members.

The interests the organization seeks to protect are germane to the organization's purpose. As previously stated, JFTA is a small nonprofit membership organization dedicated to enhancing the livability of its members and others located in the Joppa area.

Located in South Dallas and directly north of Applicant's proposed concrete batch plant (CBP), Joppa is an historic freedman's town. It is a low-income, majority African-American community. Founded in 1872 by freed slaves, Joppa is one of Dallas' oldest neighborhoods. The neighborhood is landlocked, with only two roads leading in and out from Interstate 45. Joppa is bordered to the West by the railroad, Highway 310 and I-45, to the north by industry, to the east by the Trinity River, and to the South by Joppa Preserve and McCommas Bluff Landfill.

JFTA's request and participation in a contested case hearing qualifies as an organizational interest that is germane to the organization's purpose. One of JFTA's organizational purposes includes "performing all activities and engaging in any lawful activity" to enhance the livability of its membership and others located in the Joppa area. This includes, but is not limited to, protecting its membership from the adverse effects of industrial pollution sources impacting the area.

Additionally, JFTA's members may be adversely affected by the proposed concrete batch plant in a way not common to the general public because JFTA's members live, work and/or recreate in the immediate area around and downwind of Applicant's proposed CBP. JFTA's members will be adversely impacted by an increase of air pollutants from Applicant's proposed emissions which include, but may not be limited to: particulate matter (PM), particulate matter with diameters of 10 microns or less (PM₁₀), and particulate matter of 2.5 microns or less (PM_{2.5}). Particulate matter is a dangerous pollutant made up of microscopic solids or liquid droplets so small they can be inhaled and penetrate the lungs and even enter the bloodstream, causing serious and long-lasting health problems.¹

Furthermore, JFTA members are already adversely impacted not only by the constant stream of air pollution from the surrounding heavily trafficked highways, but also by the other surrounding industrial sources. For example, within a 1.5 mile radius of Applicant's proposed CBP, the following existing industries currently emit harmful air pollutants: Martin Marietta/Miller Yard, Union Pacific Railroad/Miller Yard, and TAMKO Building Products, Inc. (a roofing company). All of these sources cause and/or contribute to the degradation of air quality, human health, and safety in the Joppa community. These air pollution sources also impact JFTA members' enjoyment and use of their property and the local recreational areas like the Joppa Preserve trails.

Applicant's proposed CBP will only increase the concentration of air pollutants within this small area, and therefore, would only further endanger the health and safety of JFTA's members and other residents of Joppa. This increase in air pollution emissions would also impact JFTA members' enjoyment and use of their property as well as the local recreational areas like the Joppa Preserve trails.

Furthermore, neither the claim asserted nor the relief requested requires the participation of the organization's individual members in the case; and one or more member(s) would otherwise have standing to request a hearing in their own right.

For example:

- Temeckia Derrough and her family are members of JFTA. The family resides at 7931 Kiska St., approximately .7 miles from Applicant's proposed CBP. The family is concerned that their health may be adversely affected. This includes, but is not limited to, concerns about the adverse effects from the proposed CBP's pollutants. The family is also concerned that their aesthetic enjoyment of their property and surrounding recreation areas will be adversely affected. This includes adverse effects to the family's general enjoyment of the outdoors, such as running/walking/hiking around the neighborhood and on the park trail located within 440 yards from the proposed CBP.

¹ U.S. EPA, Particulate Matter (PM) Basics, available at: <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics#:~:text=PM%20stands%20for%20particulate%20matter,seen%20with%20the%20naked%20eye.>

III. Relevant and Material Disputed Issues for a Contested Case Hearing Raised During the Public Comment Period

The following relevant and material disputed issues should be referred to the State Office of Administrative Hearings for a contested case hearing:

- Whether the public notice failed to comply with applicable federal and state laws and regulations.
- Whether the application and proposed standard permit registration fail to protect the public health, welfare, property and the environment.
- Whether the emissions from the proposed facility will have adverse impacts on the public's health, welfare, property and the environment.
- Whether the application fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations and policies.
- Whether Executive Director's preliminary decision fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations and policies.
- Whether the standard permit fails to include the requisite information necessary to determine compliance with applicable federal and state air control statutes, regulations and policies.
- Whether the proposed emissions are reasonable in light of the degree of injury and interference with the public's health and physical property.
- Whether the proposed emissions are reasonable in light of the source's lack of social and economic value.
- Whether the proposed emissions are reasonable in light of the non-priority of location of the area involved.
- Whether the proposed emissions are reasonable in light of the technical practicability and economic reasonableness of further reducing or eliminating the proposed emissions.
- Whether the proposed activity will cause nuisance conditions in violation of 30 TAC § 101.4
- Whether the permit conditions are adequate to protect against nuisance conditions
- Whether the proposed activity will create visible emissions at the property line

- Whether the facility fails to provide paved roads or maintenance at entry and exit road
- Whether the permit conditions are adequate to protect against visible emissions at the property line
- Whether the proposed activity will cause or contribute to any exceedance of NAAQS for PM₁₀ and PM_{2.5}
- Whether the permit conditions are adequate to protect against causing or contributing to exceedances of NAAQS for PM₁₀ and PM_{2.5}
- Whether the proposed activity will utilize Best Available Control Technology (BACT)
- Whether the modeling conducted to support the application, including the proposed activity air dispersion modeling, is inadequate or flawed
- Whether there are insufficient air monitoring requirements in the draft permit
- Whether the proposed activity will threaten the health and safety of nearby residents
- Whether the draft permit fails to account for other potential air contaminants resulting from the proposed activity

Examples of the deficiencies and problems with Applicant's proposed concrete batch plant is provided below in the Public Comment section. These examples are in addition to, and in no way should be construed to limit in any way the above identified relevant and material disputed issues to be addressed at a public meeting and contested case hearing.

Ultimately, the Commission should deny Applicant's application to operate a proposed concrete batch plant under a standard permit registration.

IV. **Public Comments**

This section expands upon the previously discussed "relevant and material disputed issues for a contested case hearing raised during the public comment period" by providing additional details and examples.

These examples are in addition to, and in no way should be construed to limit in any way the previously identified "relevant and material disputed issues" that should be addressed at a public meeting, in the Executive Director's Response to Comments, and at the contested case hearing.

A. Applicant Failed to Provide Proper Public Notice

Applicant failed to comply with all public notice requirements under federal and state statutes, regulations and policies. Examples include, but are not limited to:

- Applicant failed to comply with TCEQ's notice, which states that the "application, executive director's preliminary decision and the standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ Dallas-Fort Worth regional office, and at the Erik Jonsson Central Library ... beginning the first day of publication of this notice."
 - Applicant did not make complete copies of any of these documents available at the Erik Jonsson Central Library beginning on the first day of the notice or as of April 4, 2023.
 - The only document available at the Erik Johnson Library was a TCEQ checklist and incomplete parts of the permit application and the document was not on the public notice desk in the library.²
- Applicant failed to provide sufficient notice in their signage posted outside the site.³
 - Applicant placed the signs further than ten feet from the property line and in a ditch making the signs not fully visible from the road.⁴
- Applicant incorrectly certified they provided the public proper notice.⁵

To date, public notice regarding this application remain inadequate and/or incorrect. Therefore, TCEQ must deny Applicant's request, and/or in the alternative, TCEQ must require Applicant to fully comply with all public notice requirements and republish notices thereby providing the public its lawful opportunity to review a complete application and provide meaningful and informed comments.

B. Applicant Failed to Establish Compliance with All Applicable Federal and State Statutes, Regulations and Policies.

The application is incomplete and inconsistent, and therefore, fails to comply with all applicable federal and state statutes, regulations and policies. Examples include, but are not limited to:

- Failure to include the 10400 Core Data form in their application although they stated they provided the document.⁶

² See Attachment 2 (photos) and Attachment 3 - scanned copy of library document.

³ 30 Texas Administrative Code 39.604(c)

⁴ See Attachment 4

⁵ See, TCEQ P1-S1 Standard Concrete Batch Plant Application, Texas Ready Mix, LLC, Page 10, Section 4A

⁶ See, TCEQ P1-S1 Standard Concrete Batch Plant Application, Texas Ready Mix, LLC, Page 8, Section 4A

- Failure to include correspondence or documentation of the current investigation, notice of violation or enforcement action related to the site. Additional information concerning this issue includes, but is not limited to the following:
 - Applicant filed this application in response to, or related to an agency investigation, notice of violation, or enforcement action.⁷ Texas Star Ready Mix previously (and may still be operating) under a 106.144 Batch Mixer Permit By Rule (“PBR”) registration at this location, even though Applicant’s operations do not meet the requirements of this PBR. In a December 2022 PBR revision request, Applicant withdrew its request for this permit revision because of a site visit where it was determined that Applicant does not meet the standards for this PBR.⁸
 - Although the application states that it includes attached copies of correspondence and the RN associated to the action,⁹ nothing was provided with the application.
 - The public has no access to the documents or any substantial information concerning this matter because the TCEQ permit records online database does not allow access to any documents related to the investigation.¹⁰
 - On March 30, 2023, the TCEQ engineer reviewing the permit, Alex Herra, stated that he had not received enforcement action information from the applicant and did not know that this was required from the applicant. Mr. Herra also stated that he could not submit any documentation of the enforcement/compliance review and we would have to submit an open records request.
 - On April 4, 2023, LANWT submitted an open records request for documentation of this compliance or enforcement review; however, TCEQ responded that there were no responsive documents.¹¹
 - LANWT also contacted TCEQ enforcement on March 30 and April 3, 2023 and left messages each time. TCEQ has not returned these calls.
 - On April 5, 2023, Alexander Herra also stated that he does not have a compliance summary or rating from the site. He also indicated that he does not have access to the compliance information and could contact TCEQ Compliance Division, but has not done so yet.

⁷ See, TCEQ P1-S1 Standard Concrete Batch Plant Application, Texas Ready Mix, LLC, Page 8, Section V. Project Information B. Enforcement Projects

⁸ See, Texas Star Ready Mix Air NSR 39039 - Permit by Rule Registration, Technical Review, Withdrawal “Texas star Ready Mix LLC is a small business batch plant owner/operator. Texas Star Ready Mix LLC Operates the facility at 4500 Great Trinity Forest way Dallas, TX 75216. This Batch plant facility existed since 1970s on over 5 Acres land and still operate in the same site, same layout but at reduced capacity. Upon site visit from the region, it was determined that distance and operations do not meet the qualifications for PBR 106.144 at this time. Company has requested withdrawal of the application while they evaluate operations and appropriate authorization.”; TCEQ Response to PBR Withdrawal, December 27, 2022

⁹ See, TCEQ P1-S1 Standard Concrete Batch Plant Application, Texas Ready Mix, LLC, Page 8, Section V. Project Information B. Enforcement Projects

¹⁰ *Counsel conducted search* records.tceq.texas.gov

¹¹ See Attachment 5.

- Failure to provide consistent production and hours of operation in the permit application and the process description.
 - Applicant states that the facility will produce 60 cubic yards per hour and 400 cubic yards per day while operating 8 hours per day, 6 days per week, and 52 weeks a year for a maximum 2,496 hours.¹²
 - However, the Applicant's attached process description doubles the production amount to 120 cubic yards produced per hour and states they will operate 24 hours a day, 7 days a week, 52 weeks a year. These hours of operation total 8,736 hours.
 - These discrepancies between hours of operation and production on the application and process description are significantly inconsistent and deprives the public of a meaningful opportunity to assess the facilities ability to lawfully operate under a standard permit.

- Failure to demonstrate that the proposed plant's emissions will not violate the applicable regulatory requirements, including but not limited to: the National Ambient Air Quality Standards for particulate matter; 30 TAC § 116.610 – including § 116.610(a)(1),(3), and (5); 30 TAC § 116.615(1); 30 TAC § 116.602(c); and 30 TAC § 101.4.

- Failure to demonstrate will not violate the conditions of the Standard Permit for Concrete Batch Plants. Additional information concerning this issue includes, but is not limited to the following:
 - Applicant failed to provided adequate information to show that the proposed plant will be designed and operated in a manner to ensure that its components will be properly vented as required by Requirement (5)(A) of the Standard Permit.
 - Applicant has not provided adequate information to show that the fabric or cartridge filters will be maintained in compliance with Requirement (5)(B) of the Standard Permit.
 - Applicant has not shown that the facility will be designed and operated to ensure that cement and fly ash will be transferred in a manner complying with Requirement (5)(C) of the Standard Permit.
 - Applicant has not provided adequate design information to show that the automatic shutoff and warning devices will be installed in compliance with Requirement (5)(D) of the Standard Permit.
 - Applicant has not provided adequate information on proposed operations and controls to prove that emissions from plant roads will be controlled in compliance with Requirement (5)(E) of the Standard Permit.
 - Applicant has not demonstrated operational plans that would ensure compliance with Requirement (5)(F) of the Standard Permit regarding stockpile emissions.
 - Applicant has not provided sufficient information to demonstrate that operations of the proposed plant will comply with Requirement (5)(G) of the Standard Permit regarding cleanup of material spills.

¹² See, TCEQ P1-S1 Standard Concrete Batch Plant Application, Texas Ready Mix, LLC, Pages 12, 15

- Applicant has not shown that the proposed plant will be designed and operated to ensure compliance with Requirement (5)(H) of the Standard Permit regarding fugitive emissions.
- Applicant failed to establish operational and design parameters to ensure compliance with Requirement (5)(K) of the Standard Permit related to the emission of volatile organic compounds.
- Applicant failed to demonstrate that engines at the proposed plant will comply with Requirement (6) of the Standard Permit.¹³
- Applicant failed to demonstrate adequate design and operational parameters to ensure that maintenance, startup and shutdown activities will comply with Requirement (7) of the Standard Permit.
- Applicant failed to set forth operational and design measures that are sufficient to ensure that the operation of the proposed plant will comply with the following:
 - Requirement (9)(A), related to production limitations;
 - Requirement (9)(B), related to the installation and operation of a suction shroud of other pickup device. The applicant also failed to provide the average filtering velocity of the fabric or cartridge filter system for the suction shroud or other pickup device;
 - Requirement (9)(C), related to shelter of the drop point;¹⁴
 - Requirement (9)(D) and (9)(E), related to required buffer zones and twelve foot constructed borders¹⁵; and
 - Requirement (9)(F), related to the design and maintenance of entry and exit roads. Texas Star Ready Mix's unpaved entry and exit roads do not meet the permit standards. The facility also does not have paved surfaces for the batch trucks and material delivery trucks when entering, conducting primary functions, and leaving the property.¹⁶
- Failure to demonstrate that Applicant will operate in such a manner as to comply with 30 TAC § 101.4 which prohibits any person or entity from discharging air pollutants in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property. 30 TAC § 101.4.
 - The Standard Permit for concrete batch plants does not supersede other TCEQ regulatory requirements or requirements of the Texas or Federal Clean Air Act. As such, the holder of an authorization to operate under the TCEQ standard permit may not do so in such a manner as to create or cause a nuisance or nuisance conditions.

¹³ The application states Applicant will utilize no registered engines at all. See, TCEQ P1-S1 Standard Concrete Batch Plant Application, Texas Ready Mix, LLC, Page 11, Section 6A – Applicant states zero engines will be authorized with this standard permit registration. Considering this type of concrete batch plant, this will make the operation impossible and the applicant states in other parts of the application that they will utilize an engine that requires registration.

¹⁴ See Attachment 6

¹⁵ See, TCEQ P1-S1 Standard Concrete Batch Plant Application, Texas Ready Mix, LLC, Page 12; See also, Attachment 7 (pictures of distance with buffers and height of fences)

¹⁶ See Attachment 8

- Concrete batch plants are notorious for creating such conditions and should not be allowed to operate anywhere near residential communities, churches or recreational areas without concrete assurances that they will not threaten the health and safety of nearby residents or interfere with the use and enjoyment of their properties. Applicant has not made those assurances in its application and must do so before TCEQ approves this application.

Since the application is incomplete and/or inconsistent, Applicant has failed to demonstrate that it will comply with all applicable federal and state laws, regulations and policies. Therefore, the Commission should deny Applicant's request.

C. Applicant Failed to Demonstrate that the Proposed Plant Would Protect the Health, Safety and Welfare of Nearby Residents and Their Properties.

Contaminants from the proposed plant will potentially result in harm to the health, safety and welfare of nearby residents as well as the use and enjoyment of their properties. These emissions will be produced by the storage of materials at the site, the transfer and processing of those materials within the site and the additional traffic entering and exiting the facility. Potential emissions will include dust from the raw materials, emissions from diesel engines, and chemicals used to clean the facility and suppress dust emissions. These pollutants will not only be harmful to human health, but they will also produce nuisance conditions – including visible pollution and offensive odors – in the area around the proposed plant. The public is also aware of a compliance/enforcement review and there could be further issues with the proposed plant. The public does not have access to these documents and cannot fully contest or comment on the permit without the applicant or TCEQ sharing these required documents with the public.

The authorization of the proposed plant is alarming given the site's proximity to residences, parks, and churches, as shown on the permit application. Within 3,000 feet of the site there are over a hundred homes, at least two churches, Trinity Forest Trail, and Joppa Nature Preserve. Subjecting these community members to an additional source of air pollution will only serve to exacerbate their conditions, limit the uses of their property and community parks, and do further harm.

D. Applicant Failed to Show that It Will Utilize Adequate Monitoring and Reporting Measures

The draft permit specifies that visible emissions shall not leave the property for more than 30 seconds in any consecutive 6-minute period, determined using U.S. Environmental Protection Agency (EPA) Test Method 22. EPA Test Method 22 requires someone to stand a certain distance and angle from the operations and observe those operations for visible pollution. The standard permit requires that this be done 4 times each year, for thirty minutes each time. This monitoring method and frequency have proven both inadequate to ensure compliance with the emissions limits in the standard permit and inadequate to protect the community from particulate pollution associated with batch plant operations.

The terms of the draft permit ensure that the facility emissions will only be monitored for two hours in an entire year. TCEQ has previously stated that it relies on communities to police facilities through the complaint and investigation process. Unfortunately, in practice this approach is not functional as most residents are not even aware that such a complaint process exists nor is it suited to the types of violations that cause the most problems. TCEQ should require a more protective monitoring system that continuously monitors for particulates and other pollutants at the fence line. Furthermore, TCEQ has had issue with this site in the past considering that the facility is currently under a compliance review or in enforcement.

TCEQ does have the authority to require additional monitoring under the Texas Clean Air Act: “The commission may prescribe reasonable requirements for: (1) measuring and monitoring the emissions of air contaminants from a source or from an activity causing or resulting in the emission of air contaminants subject to the commission's jurisdiction under this chapter.” TEX. HEALTH & SAFETY CODE ANN. § 382.016. TCEQ should exercise its authority here and require air monitoring that will effectively protect local residents especially considering the site’s non-compliance still in review by TCEQ.

E. Applicant’s Proposed Emissions Are Unreasonable

Applicant’s proposed emissions are unreasonable in light of the degree of injury and interference with the public’s health and physical property; the source’s lack of social and economic value; the non-priority of location of the area involved; and the technical practicability and economic reasonableness of further reducing or eliminating the proposed emissions.

In addition to all of the previously discussed examples provided throughout the public comment section, other examples include, but are not limited:

- The application, draft permit and Executive Directors preliminary decision fails to protect the community from cumulative risks of other industrial activity in the area.¹⁷
 - In Joppa, numerous industrial sites contribute to the cumulative air quality risks in the area including Martin Marietta/Miller Yard, Union Pacific Railroad/Miller Yard, and TAMKO Building Products, Inc. (a roofing company). The community recently dealt with the adverse impacts a train derailment with delayed clean up.¹⁸ Highways 310 and I-35 and a landfill also border the neighborhood.
 - TCEQ has an affirmative duty to consider the cumulative emissions from all of the industrial operators in Joppa when considering the impact that the proposed plant will have on human health and the environment.
 - TCEQ fails to consider the cumulative risks created by the existing sources of air pollution in Joppa. While TCEQ may deem Texas Star Ready Mix’s production

¹⁷ “The commission shall: (1) develop and implement policies, by specific environmental media, to protect the public from cumulative risks in areas of concentrated operations; and (2) give priority to monitoring and enforcement in areas in which regulated facilities are concentrated.” TEX. WATER CODE § 5.130.

¹⁸ Dallas Morning News, July 25, 2022. <https://www.dallasnews.com/news/environment/2022/07/25/union-pacific-begins-cleanup-11-days-after-train-derailment-in-joppa/>

numbers safe in isolation, the standard permit's protectiveness review does not contemplate any other emission sources.

- In Joppa, there are numerous additional sources of particulate and other pollution in close proximity to the proposed site; therefore, the TCEQ must consider the cumulative risks from those nearby industrial sources of air pollution in order to determine whether the additional emissions from the proposed batch plant will have a negative impact on human health and the environment.
- The application, draft permit and Executive Director's preliminary decision fails to consider the adverse impacts of the proposed project to the surrounding environmental justice community in violation of Executive Order 12898.
 - Executive Order 12898 requires each federal agency to conduct its programs, policies and activities that substantially affect human health and the environment, in a manner that ensures that those programs, policies and activities do not have the effect of excluding persons from participation in, denying persons the benefit of, or subjecting persons to discrimination because of their race, color, national origin or income level.¹⁹
 - With respect to the approval of industrial facilities, Executive Order 12898 requires federal agencies (or any local government or governmental agency in receipt of federal funding from source such as the EPA) to evaluate its actions for disproportionately high and adverse effects on minority or low-income populations and to find ways to avoid or minimize these adverse impacts where possible.
 - To trigger Executive Order 12898, the effects of the project must be both adverse, and affect a low-income minority population more so than it would the general public. Adverse effects that appreciably put a minority or low-income population at an increase health risk or appreciably affect their physical or economic wellbeing will trigger Executive Order 12898.
 - This permit decision triggers Executive Order 12898 because of the well-known adverse effects of particulate pollution on human health and safety and the siting of the facility in a predominately low-income and minority neighborhood. The Joppa community, especially that immediately adjacent and surrounding the proposed site, is comprised of mostly low-income, minority households. The population within a 1-mile radius of the proposed site is 96% people of color, 95% low-income and 59% linguistically isolated.²⁰ These communities been historically disproportionately impacted by environmental injustices. As such, they have an acute and urgent interest in reducing harmful air pollutants in their neighborhoods that adversely impact respiratory health.
 - The Joppa neighborhood to the north of the proposed permit is a predominantly low income, minority neighborhood compared to other neighborhoods in the City of Dallas and State of Texas. This status, combined with the concentration and proliferation of industrial sources of pollution, easily meets the definition of an environmental justice community. This is exactly the kind of community that Executive Order 12898 was designed to address. A decision to permit further

¹⁹ Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994)

²⁰ U.S. EPA, EJSCREEN Demographic Indicators, available at: <https://ejscreen.epa.gov>

pollution in this neighborhood will have adverse impacts on the health of the people living there, and will further solidify a broader history of environmental inequity that continues to threaten the environment and public health in low-income and minority communities across Texas. The TCEQ must, at the very least, examine those effects before making this decision.

V. **Conclusion**

JFTA urges the TCEQ to deny the application and believes that denial is warranted based on the information already available. If TCEQ does not deny the application, then JFTA requests a contested case hearing with regard to each issue raised in this hearing request.

Respectfully submitted,

Michael Bates

Michael Bates

Wendi Hammond

Counsel for Joppa Freedman's Town Association